

TOWN BOARD

The Town Board, Town of Highlands, held a public hearing and meeting on Monday, October 22, 2012 at Town Hall, 254 Main St, Highland Falls, NY at 7:00pm.

PRESENT:	Mervin Livsey	----	Supervisor
	James Stradley	----	Council Member
	June Gunza	----	Council Member
	Holly Gokey	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

ABSENT:	William Edsall	----	Council Member
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Supervisor Livsey explained that there is a problem with Time Warner Cable and anyone with a digital cable box will only have sound for the meeting.

Supervisor Livsey opened the Public Hearing on the Tax Levy Override at 7:00pm.

PUBLIC HEARING – TAX LEVY OVERRIDE

Public Comment

There were no comments.

Council Member Gunza made a motion seconded by Council Member Stradley to close the public hearing. Public hearing closed at 7:05pm.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Supervisor Livsey reported that as of today, the Town's budget is \$750 below the tax cap. The Supervisor said that if the budget goes through like that, this tax levy override will not be needed.

Mr. Rider informed the Supervisor that if this Local Law is passed it will be Local Law #4.

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Council Member Gunza made a motion seconded by Council Member Stradley to adopt the resolution for the local law to override the tax levy limit established in General Municipal Law 3-C.

RESOLUTION ADOPTED: **3-ayes (Livsey, Stradley, Gunza)**
 1-nay (Gokey)
 1-absent (Edsall)

******RESOLUTION ATTACHED******

PUBLIC COMMENT

None

MINUTES

Council Member Gokey made a motion seconded by Council Member Gunza to approve the minutes from the October 1 meeting.

MOTION CARRIED: **4-ayes (Livsey, Stradley, Gunza, Gokey)**
 0-nays
 1-absent (Edsall)

Council Member Gunza asked that a correction be made to the October 15 minutes.

Council Member Gokey made a motion seconded by Council Member Gunza to approve the minutes from the October 15 meeting with the correction.

MOTION CARRIED: **4-ayes (Livsey, Stradley, Gunza, Gokey)**
 0-nays
 1-absent (Edsall)

COMMUNICATIONS

Supervisor Livsey received a letter from the O'Connor Doyle Post inviting the Board to their Veterans' Day Ceremony.

Supervisor Livsey received a letter from the County Executive saying that the Legislatures might use sales tax money to fund the home out in Goshen. The Supervisor said that has run its course and will not happen.

ACCOUNTS PAYABLE

Council Member Stradley made a motion seconded by Council Member Gokey to accept the A/P Register in the amount of \$75,042.63.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Supervisor Livsey said that there were no expenses from Water District #2.

BUDGET TRANSFER REQUESTS

Court:

Council Member Gunza made a motion seconded by Council Member Stradley to approve the transfer of \$7,500 from Attorney Fees to Legal Action Fees.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Police:

Council Member Gunza made a motion seconded by Council Member Stradley to approve the transfer of \$1,000 from Building Improvements to Equipment.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Ambulance:

Council Member Stradley made a motion seconded by Council Member Gokey to approve the transfer of \$1,200 from Supplies to Training.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

HIGHWAY EMPLOYEE

Supervisor Livsey would like a motion to transfer Rodney Brown from Sanitation Driver to Highway Motor Equipment Operator.

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Council Member Stradley made a motion seconded by Council Member Gunza to transfer Rodney Brown from Sanitation Driver to Highway Motor Equipment Operator at a salary of \$24.04/hour with a one (1) year probationary period.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

BOARD REPORTS

Council Member Gokey:

IT: Did walkthrough for the mapping of the network system. Have a tentative figure of \$44,000 which will save the Town money.

Assessor: The Assessor's office has been quiet.

Supervisor Livsey asked Council Member Gokey if there was an Internet Policy, and if so, does she keep track of it.

Council Member Gokey said there is an Internet Policy and she receives reports on usage.

Supervisor Livsey said he would like closer scrutiny on this.

Council Member Gokey said this would be a topic for Executive Session.

Council Member Gunza:

Ambulance: Received a report on the conference that was just attended. This was a very good conference and was well attended. Capt. Stroppel reported that he purchased two (2) defibrillators at the conference and received a discount of \$750. The Ambulance has been busy.

Police: Chief Quinn submitted a letter asking for the Board to Hire Gregory Durand and for the Town to sponsor an individual to the 2nd Phase of the Police Academy.

Emergency Management: The Committee met recently with Dominick Green, the Orange County Emergency Management Officer to review/rate hazards. The Committee is currently waiting for the report.

James Stradley:

Highway: Getting the trucks ready for the season and picking up leaves.

Dial-A-Bus: The new bus will be here tomorrow.

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Recreation: Has been quiet.

Ethics: Has been quiet.

SUPERVISOR'S REPORT

Supervisor Livsey asked MaryJane to contact him tomorrow for information for residents.

Water District #2:

Supervisor Livsey reported that, on Thursday, he signed the short term financing paperwork. The percentage rates are 0% for approximately \$400,000 and .42% for approximately \$800,000. The Supervisor said the timeline should look something like this: The bids go out 2nd week in November for an approximate 35 day period; the Board approves a bid about 2 weeks after they come in; the Board signs a contract with the Contractor mid January at which time the project can begin and should be finished in approximately 6-7 weeks.

Basement Remediation:

Supervisor Livsey reported that the new boiler and hot water heater are in and working, the floors are painted and the walls are getting painted.

Fort Marina:

Supervisor Livsey said Scenic Hudson has received the go-ahead and the Palisades Interstate Park Commission (PIPC) has agreed to make the Town managers, much the same way as with Brooks' Park.

Town of Cortlandt Police:

Supervisor Livsey heard a rumor that the Town of Cortlandt abolished their police department and were now paying nothing for police service. The Supervisor said the real story is that they did abolish their police department, but are paying the Westchester County Police \$831,000 per year.

Court Request:

Supervisor Livsey said that he will be asking the Board to review the request from the Court for a temporary part-time clerk to deal with tickets that could, potentially, bring in more money to the Town. The Supervisor said that the Court under budgeted their revenue and this could possibly be done without affecting the budget.

GENERAL BUSINESS

Taylor Biomass Energy:

Tony Squicciarini, Highway Supt., introduced James Rollins and Jim Taylor from Taylor Biomass Energy.

Mr. Rollins gave a brief presentation that gave information on the project and what the benefits would be to the Town.

Supervisor Livsey asked Mr. Taylor when he would need an answer from the Town.

Mr. Taylor said he wasn't able to give a definite date.

Supervisor Livsey asked Mr. Squicciarini what the Town currently pays in tipping fees.

Mr. Squicciarini said the tipping fees are \$86.50 per ton. Mr. Squicciarini said the savings with Taylor Energy would be substantial.

Council Member Gunza asked Mr. Taylor when, in 2014, he expected to be on line.

Mr. Taylor said probably the second quarter.

Mr. Squicciarini said the Town needs to look for an independent, long-term solution and he believes this one is good.

Supervisor Livsey thanked Mr. Taylor and Mr. Rollins and told them he would be in touch.

Mr. Taylor invited the Board to come to the facility for a tour and more in-depth presentation.

Police Officer Hire:

Detective Bailey introduced Gregory Durand and gave a brief bio on him. Mr. Bailey said that Chief Quinn has recommended that the Board hire Mr. Durand as a part-time Police Officer.

Supervisor Livsey asked Mr. Durand if he was able to give Chief Quinn the coverage he needs.

Mr. Durand said he was.

Supervisor Livsey stressed that no hours were being added to the Police, just personnel to work the hours.

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Council Member Gunza made a motion seconded by Council Member Gokey to hire Greg Durand as a part-time Police Officer at the starting salary and maximum probationary period.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Sponsor Applicant to Police Academy:

Council Member Gunza read a letter from Chief Quinn that asked the Board to sponsor Peter Boutros to the Dutchess Police Academy and hire him after he is finished. Chief Quinn, in his letter, said that this sponsorship would not cost the Town anything.

Supervisor Livsey said that at the last meeting, the Board discussed doing this for a Town resident, but there are no candidates. The Supervisor said he has no problem doing this for this gentleman.

Council Member Gunza said that between Chief Quinn and Mr. Rider, an agreement should be put together so the candidate knows what the Town expects.

Mr. Rider said that can be done.

Council Member Gokey asked how long the academy lasts.

Detective Bailey said 4-6 weeks.

Council Member Gokey made a motion seconded by Council Member Gunza to authorize the hiring and sponsorship of Peter Boutros for Phase II of the Police Academy contingent on the signing of a contract and pending Orange County approval.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Meeting Dates for November and December:

Supervisor Livsey said that the November 12 meeting falls on a holiday. The Supervisor would like to change the meeting dates to November 5 and November 19.

Supervisor Livsey made a motion seconded by Council Member Gokey to change the November meeting dates to November 5 and 19.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

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Election Ballot:

Supervisor Livsey said that on the November election ballot the Town has a proposition to lower the salaries of the Town Board. The Supervisor read the resolution which reads: Shall Local Law #3 of the Year 2012 entitled A local law lowers the salary of the Supervisor to \$15,000 and lowers the salaries of the Councilpersons to \$4,000 be approved?

Set Public Hearings for 2013 Budget and all Special Districts:

Council Member Stradley made a motion seconded by Council Member Gokey to set the public hearing for the 2013 Preliminary Budget on November 5, 2012 at 7:20pm.

RESOLUTION ADOPTED: 4-eyes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

****RESOLUTION ATTACHED****

Council Member Gunza made a motion seconded by Council Member Gokey to set the public hearings for Special District Assessments, Rolls and Benefit Formulas for the year 2013 on November 19, 2012 beginning 7:00pm and running consecutively.

RESOLUTION ADOPTED: 4-eyes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

****RESOLUTION ATTACHED****

Supervisor Livsey asked Mary Jane to publish the Budget, Water and Sewer Points and asked the Town Clerk to put them on the website.

Ms. Blauvelt asked Supervisor Livsey if he had seen the Building Inspector's comments on the water points.

Supervisor Livsey said he had not.

ATTORNEY'S COMMENTS

Mr. Rider said there were some concerns from the Building Department and Planning on the Sign Ordinance and he advised the Board to take a close look at the comments that were made.

Supervisor Livsey said that Orange County has responded and they have no objections.

Council Member Gunza said the Town will need to notify Orange County if any changes are made.

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Mr. Rider said the information needs to be made available to the residents 10 days before and depending on the level of changes, there could be a second public hearing.

PUBLIC COMMENT

None.

EXECUTIVE SESSION

Council Member Gokey made a motion seconded by Council Member Gunza to go into executive session to discuss personnel and IT usage. Board went into executive session at 8:15pm.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Council Member Gunza made a motion seconded by Council Member Gokey to close the executive session. Executive session closed at 8:15pm.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Council Member Stradley made a motion seconded by Council Member Gunza to adjourn the meeting. Meeting adjourned at 8:16pm.

MOTION CARRIED: 4-ayes (Livsey, Stradley, Gunza, Gokey)
0-nays
1-absent (Edsall)

Attest,

RESOLUTION

OF

OCTOBER 22, 2012

A RESOLUTION TO ADOPT
A LOCAL LAW TO OVERRIDE
THE TAX LEVY LIMIT
ESTABLISHED IN GENERAL MUNICIPAL LAW 3-C

Council Member **Gunza** moved the following resolution which was seconded by Council **Stradley**.

WHEREAS, the Town Board of the Town of Highlands adopted a resolution on the 1st day of October, 2012 ordering a public hearing to be held on the 22nd day of October, 2012 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on Introductory Local Law #5 of the Year 2012 entitled "A Local Law to Override the Tax Levy Limit Established in General Municipal Law Article 3-C"; and

WHEREAS, a notice of public hearing was duly advertised on the 5 day of October, 2012 in The News of the Highlands and posted on the Town Clerk's sign board on the 2 day of October, 2012; and

WHEREAS, the public hearing was duly held on the 22nd day of October, 2012 at 7:00 o'clock p.m., at Town Hall, 254 Main Street, Highland Falls, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

WHEREAS, the adoption of said Local Law constitutes routine and continuing agency administration and management not including new programs or major reordering of priorities that may affect the environment, and accordingly is a Type II Action under the State Environmental Quality Review Act; and

WHEREAS, due to the order of adoption and filing of introductory local laws by the Town Board of the Town of Highlands, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. 4 of 2012; and

WHEREAS, the Town Board of the Town of Highlands, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Highlands hereby adopts said Local Law #4 of 2012 entitled “A Local Law to Override the Tax Levy Limit Established in General Municipal Law Article 3-C”.
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Highlands and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Absent**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on October 22, 2012.

June Patterson, Town Clerk

RESOLUTION
OF
OCTOBER 22, 2012
A RESOLUTION SCHEDULING A PUBLIC
HEARING ON PRELIMINARY
2013 BUDGET FOR THE TOWN OF HIGHLANDS

Council Member **Stradley** moved the following resolution which was seconded by Council Member **Gokey**.

WHEREAS, the Town Board of the Town of Highlands has met and considered the tentative and preliminary budget for the fiscal year beginning January 1, 2013; and

WHEREAS, the Town Board of the Town of Highlands desires to schedule a date and time for the Public Hearing to be held on November 5, 2012 at 7:20 p.m.; and

WHEREAS, the preliminary budget must be filed in the Office of the Town Clerk of the Town of Highlands at the time of publication of the Notice of Public Hearing;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That in accordance with the provisions of §106 of the Town Law and other applicable provisions of Law, the preliminary budget for the fiscal year beginning January 1, 2013 shall be filed in the office of the Clerk of the Town of Highlands where it shall be available for public inspection at or before the time of publication of the Notice of Public Hearing.
2. The Town Clerk of the Town of Highlands shall give Notice of such Public Hearing to be held on November 5, 2012 at 7:20 p.m. by publishing notice thereof in the official newspaper of the Town of Highlands not less than five (5) days prior to November 5 2012, and cause a copy of such notice to be posted on the

sign board of the Town of Highlands not later than five (5) days before November 5, 2012.

3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Absent**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at Meeting of the Town Board, Town of Highlands, on October 22, 2012.

June Patterson, Town Clerk

RESOLUTION

OF

OCTOBER 22, 2012

A RESOLUTION SCHEDULING PUBLIC
HEARINGS REGARDING SPECIAL DISTRICT
ASSESSMENTS, ROLLS AND BENEFIT
FORMULAS FOR THE YEAR 2013

Council Member **Gunza** moved the following resolution which was seconded by Council **Gokey**.

WHEREAS, the Town Board of the Town of Highlands has met and considered the establishment or rates and benefit units for the Town's special districts and special improvement areas; and

WHEREAS, the Town Board desires to set a date for the Public Hearing on the Budgets, Assessments and Benefit Formulas for all special districts and special improvement areas of the Town of Highlands for the fiscal year beginning January 1, 2013 to be held on Monday, November 19, 2012 at 7:00 p.m.; and

WHEREAS, the Assessment Rolls have been filed or will be filed by November 5, 2012, in the Office of the Town Clerk of the Town of Highlands; and

NOW, THEREFORE, BE IT RESOLVED as follows:

4. That in accordance with the Sections 202-a and 239 of the Town Law, the Town Board of the Town of Highlands shall meet on November 19, 2012 at 7:00 p.m. at 254 Main Street, Highland Falls, New York and then and there hold a Public Hearing on the following special district and special improvement area Budgets, Assessment Rolls and Benefit Formulas, each to be heard separately in the order as listed:

Fort Montgomery Light District; Crystal Lake Sewer District; Crystal Lake Water District; Town of Highlands Water District #1; Town of Highlands Water District #2; and Town of Highlands Sewer Improvement Area.

5. The Town Clerk of the Town of Highlands shall give Notice of such Public Hearing by Publishing Notice thereof in the "News of the Highlands" not less than ten (10) days nor more than twenty (20) days prior to November 19, 2012, and cause a copy of such notice to be posted on the sign board of the Town not later than ten (10) days before November 19, 2012, and notices shall be mailed if required.
6. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

James Stradley, Councilman voting **Aye**

June Gunza, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William Edsall, Councilman voting **Absent**

Mervin R. Livsey, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at A meeting of the Town Board, Town of Highlands, on October 22, 2012.

June Patterson, Town Clerk